

NOT FOR PUBLICATION**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DANIEL AZCONA,	:	
	:	
Plaintiff,	:	Civ. No. 23-479 (GC) (DEA)
	:	
v.	:	
	:	
CENTRAL OFFICE OF NEW JERSEY	:	MEMORANDUM & ORDER
DEPARTMENT OF CORRECTIONS, et	:	
al.,	:	
	:	
Defendants.	:	
	:	

CASTNER, District Judge

Plaintiff, Daniel Azcona (“Plaintiff” or “Azcona”), is proceeding *pro se* with this civil rights action. Previously, the Court granted Plaintiff’s application to proceed *in forma pauperis* and screened the original Complaint. (*See* ECF 7 & 8). Plaintiff’s original Complaint raised claims related to his conditions of confinement while incarcerated and sought to bring federal criminal charges against certain Defendants. (*See* ECF 7 at 2-5 (discussing and analyzing Plaintiff’s claims raised in original Complaint)). The Court dismissed Plaintiff’s Complaint without prejudice and closed the case. (*See* ECF 7 & 8).

Subsequently, Plaintiff submitted a proposed Amended Complaint (ECF 9), then another proposed Amended Complaint (ECF 11), along with another application to proceed *in forma pauperis*. (*See* ECF 12). Furthermore, Plaintiff also filed several additional documents this Court interprets as Plaintiff’s attempt to raise additional issues in his most recent proposed Amended Complaint. (*See* ECF 13-18). The Clerk will be ordered to reopen this case so that these filings may be considered and analyzed.

Initially, the Court notes that Plaintiff's most recent application to proceed *in forma pauperis* (see ECF 12) is unnecessary. The Court previously granted Plaintiff *in forma pauperis* status. (See ECF 8). Thus, this application will be denied as unnecessary.

Additionally, while Plaintiff has filed a proposed Amended Complaint (see ECF 11), his more recent filings are construed as Plaintiff's attempt to amend that proposed Amended Complaint in piecemeal fashion. Such piecemeal attempts by Plaintiff to seek to amend his proposed operative pleading are procedurally improper. See *Lewis v. Sessions*, No. 17-5475, 2017 WL 7313822, at *2 (D.N.J. Nov. 3, 2017) ("Neither Fed. R. Civ. P. 8, which governs pleadings, nor Fed. R. Civ. P. 15, which governs amended and supplemental pleadings, permits [a plaintiff] to submit . . . addenda to his Complaint in . . . piecemeal fashion"). Instead, Plaintiff needs to submit an *all-inclusive* proposed amended complaint that will still be subject to *sua sponte* screening by the Court. Plaintiff shall be given the opportunity to file such a proposed *all-inclusive* amended complaint. Should Plaintiff elect not to do so in the time allotted, this Court will proceed with screening only those claims and allegations in his current proposed Amended Complaint (ECF 11).

Accordingly, IT IS on this 14th day of November, 2023,

ORDERED that the Clerk shall reopen this case; and it is further

ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF 12) is denied as unnecessary as Plaintiff already has *in forma pauperis* status (see ECF 8); and it is further

ORDERED that Plaintiff shall have thirty (30) days from the date of this Memorandum & Order in which to file a proposed *all-inclusive* proposed amended complaint; should Plaintiff elect not to file a proposed *all-inclusive* proposed amended complaint within the time allotted, the Court

will screen only Plaintiff's claims and allegations in his most recently filed proposed Amended Complaint (ECF 11); and it is further

ORDERED that the Clerk shall serve on Plaintiff by regular U.S. mail this Memorandum and Order.¹

/s/ Georgette Castner
GEORGETTE CASTNER
United States District Judge

¹ The Court notes the caption in this case currently lists Plaintiff's address of record as a residence in New Brunswick, New Jersey. However, Plaintiff's most recent filings in this case have a return address at the Camden County Correctional Facility ("CCCF"). (*See* ECF 18 at 5). Nevertheless, mail recently sent to Plaintiff in another case at CCCF was recently returned to the Court as undeliverable noting that Plaintiff is not at CCCF. (*See* No. 20-8526, ECF 64 at 1). Therefore, this Court will not change Plaintiff's address of record in this case to CCCF nor serve this Memorandum and Order on Plaintiff at CCCF given this recent information.